



UNITED STATES PATENT AND TRADEMARK OFFICE

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 10

DAVID L. SOLTZ
CIENA CORPORATION
LEGAL DEPARTMENT
1201 WINTERSON ROAD
LINTHICUM, MD 21090

COPY MAILED

NOV 05 2001

OFFICE OF PETITIONS

In re Application of
Sunil tomar et al
Application No. 09/660,837
Filed: September 14, 2000
Attorney Docket No. 501

:
: **DECISION DISMISSING PETITION**
: **FOR RECONSIDERATION**
: **UNDER 37 CFR 1.47(a)**
:

This is a decision on the petition filed October 1, 2001, requesting reconsideration of a decision mailed May 29, 2001, which refused to accord 37 CFR 1.47(a) status to the above-identified application. The request for reconsideration was accompanied by a declaration signed by previously nonsigning inventor Srinivasarao Neelamraju.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the nonsigning inventor complying with the provisions of 37 CFR 1.63 and 1.64. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A review of the file record discloses that a Declaration and Power of Attorney for Patent Application was filed with the application papers on September 14, 2000, which declaration set forth all the named inventors and was signed by all the named inventors except inventor Srinivasarao Neelamraju. On October 1, 2001, the Office received a Declaration and Power of Attorney signed by previously nonsigning inventor Neelamraju, but which fails to set forth the names of the other named inventors.

The declarations of record lack compliance with § 1.63(b)(2), for as of yet, no inventor has executed a declaration naming all inventors. See MPEP 602, which states:

Where joint inventors execute separate oaths or declarations each oath or declaration should make reference to the fact that the affiant is a joint inventor together with the other joint inventors indicating them by name.

Since the declaration executed by inventor Neelamraju does not name the other joint inventors and since the declaration executed by inventor Neelamraju states that he is "an original and first of the subject matter which is claimed," the declaration is considered to be defective. In view thereof, inventor Neelamraju has not joined in the filing of the instant application. Accordingly, a substitute declaration executed by joint inventor Neelamraju and setting forth the other named inventors is required to be submitted within the time period specified above to avoid the abandonment of this application

In order to expedite consideration, petitioner may wish to submit the renewed petition under 37 CFR 1.47(a) by facsimile transmission to the telephone number indicated below and to the attention of the undersigned.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-8680.



Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy